

2007 DRAFTING REQUEST

Bill

Received: **11/20/2006**

Received By: **rchampag**

Wanted: **As time permits**

Identical to LRB:

For: **Steve Wieckert (608) 266-3070**

By/Representing: **Scott B.**

This file may be shown to any legislator: **NO**

Drafter: **rchampag**

May Contact:

Addl. Drafters:

Subject: **State Finance - bud generally**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Wieckert@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Requirements for executive budget bill

Instructions:

Redraft 2005 AB 177

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	rchampag 11/20/2006	jdyer 11/22/2006		_____			
/1			jfrantze 11/22/2006	_____	mbarman 11/22/2006	sbasford 12/29/2006	

FE Sent For:

<END>

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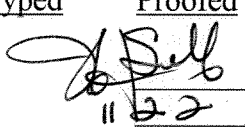
Topic:

Requirements for executive budget bill

Instructions:

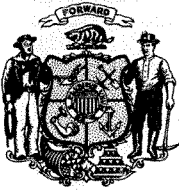
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/?	rchampag	1 11/22/06		11/22			

FE Sent For:

<END>



D-Nate
State of Wisconsin
2005 - 2006 LEGISLATURE

LRB-1627/1

RAC:kjf:rs

LRB-0849/1
RAC:jld

LPS - PWF please
2005 ASSEMBLY BILL 177

2007

March 8, 2005 - Introduced by Representatives WIECKERT, GARD, HAHN, KESTELL, LAMB, GUNDERSON, HUNDERTMARK, LOEFFELHOLZ, MUSSEY, NASS, NISCHKE, OTT, OWENS, PETTIS, PRIDEMORE, STONE, TOWNSEND, NERISON, MONTGOMERY, KRAWCZYK, UNDERHEIM, BIES, HINES, HONADEL, WOOD and PETROWSKI, cosponsored by Senators LEIBHAM, LAZICH and REYNOLDS. Referred to Committee on Budget Review.

- gen. col.*
- 1 AN ACT *to amend* 16.47 (1); and *to create* 16.47 (1e) of the statutes; relating
- 2 to: requirements for executive budget bill or bills. ✓

Analysis by the Legislative Reference Bureau

Current law requires that the governor deliver a budget message to the legislature and submit to the legislature, for introduction by the Joint Committee on Finance, the executive budget bill or bills. This bill requires that the executive budget bill or bills may not authorize general purpose revenue expenditures in the succeeding fiscal biennium that exceed revenues and other moneys that the state is expected to receive in the succeeding fiscal biennium and that are deposited in the general fund.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

- 3 SECTION 1. 16.47 (1) ✓ of the statutes is amended to read:
- 4 16.47 (1) Except as provided in s. 16.529 (2), the executive budget bill or bills
- 5 shall incorporate the governor's recommendations for appropriations for the
- 6 succeeding fiscal biennium and shall satisfy the condition under sub. (1e). ✓ The
- 7 appropriation method shown in the bill or bills shall in no way affect the amount of

ASSEMBLY BILL 177**SECTION 1**

1 detail or manner of presentation which may be requested by the joint committee on
2 finance. Appropriation requests may be divided into 3 allotments: personal services,
3 other operating expenses and capital outlay or such other meaningful classifications
4 as may be approved by the joint committee on finance.

5 **SECTION 2.** 16.47 (1e)[✓] of the statutes is created to read:

6 16.47 (1e) The executive budget bill or bills may not authorize expenditures
7 in any year of the succeeding fiscal[✓] biennium that would cause, in any of those fiscal
8 years, the amount of moneys designated as "Total Expenditures" in the summary
9 under s. 20.005 (1)[✓] for that fiscal year, as published in the executive budget bill or
10 bills, less any amounts transferred to the budget stabilization fund in that fiscal year,
11 to exceed the sum of the amount of moneys designated as "Taxes" and "Departmental
12 Revenues" in the summary under s. 20.005 (1)[✓] for that fiscal year, as published in the
13 executive budget bill or bills.

14 (END)

d-note
↓

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-4008/4dn

RAC:lmk:rs

December 15, 2005

} new
date

LRB-0849/1dn

RAC:jld

Please note that any law requiring the governor to limit the amount of his recommended appropriations in the executive biennial budget bill may very well be unconstitutional. In *State ex rel. Warren v. Nusbaum*, 59 Wis. 2d 391, 449-450 (1973), the court stated clearly that "Whatever recommendations the governor chooses to make to the legislature relating to appropriations are constitutionally committed to his discretion." In other words, the legislature by law cannot direct the governor as to what total amount of appropriations he or she can recommend in the budget bill.

With respect to the expenditure limitations placed on the legislature under the bill, please note that any such restriction is lawful but is a rule of proceeding under article IV, section 8, of the Wisconsin Constitution. The supreme court has held that the remedy for noncompliance with this type of provision lies exclusively within the legislative branch. See *State ex rel. La Follette v. Stitt*, 114 Wis. 2d 358, 363-369 (1983). In other words, while this type of provision may be effective to govern internal legislative procedure, the courts will not enforce this type of provision if the legislature does not follow it.

Please contact me if you have any questions on these or any other matters.

Rick A. Champagne
Senior Legislative Attorney
Phone: (608) 266-9930
E-mail: rick.champagne@legis.state.wi.us

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0849/1dn
RAC:jld:jf

November 22, 2006

Please note that any law requiring the governor to limit the amount of his recommended appropriations in the executive biennial budget bill may very well be unconstitutional. In *State ex rel. Warren v. Nusbaum*, 59 Wis. 2d 391, 449-450 (1973), the court stated clearly that "Whatever recommendations the governor chooses to make to the legislature relating to appropriations are constitutionally committed to his discretion." In other words, the legislature by law cannot direct the governor as to what total amount of appropriations he or she can recommend in the budget bill.

Rick A. Champagne
Senior Legislative Attorney
Phone: (608) 266-9930
E-mail: rick.champagne@legis.state.wi.us

Duerst, Christina

From: Field, Adam
Sent: Thursday, December 28, 2006 10:48 AM
To: LRB.Legal
Subject: LRB 0849

Please jacket LRB 0849 for introduction. Thanks.

Adam Field
Office of Rep. Steve Wieckert
Wisconsin State Assembly
(608) 266-3070

Duerst, Christina

From: Becher, Scott
Sent: Thursday, December 28, 2006 10:51 AM
To: LRB.Legal
Subject: FW: Co-sponsorship – Requiring the Governor to Submit a Balanced Budget – LRB 0849

Attachments: 07-08491.pdf

Mike-

Could you please jacket this bill..

Scott

From: Rep.Wieckert
Sent: Thursday, December 28, 2006 9:11 AM
To: *Legislative All Assembly; *Legislative All Senate
Subject: Co-sponsorship – Requiring the Governor to Submit a Balanced Budget – LRB 0849

TO: All Legislators

FROM: Rep. Steve Wieckert

DATE: December 28, 2006

RE: Co-sponsorship – Requiring the Governor to Submit a Balanced Budget – LRB 0849

This bill would require the Governor to submit a balanced budget to the State Legislature.

It is no doubt a surprise to many that the Governor is not currently required to submit a balanced budget to the legislature. There are numerous statutory requirements regarding what a Governor's budget message must contain. However, requiring the Governor to submit a balanced budget is not one of the requirements.

This legislation would correct that situation and help encourage the Governor to be an equal partner with the legislature in helping Wisconsin achieve a balanced budget.

Last session this bill passed the Assembly by a bipartisan vote of 93-3. Unfortunately, the session ended before this legislation could be fully considered by the State Senate.

If you would like to co-sponsor this legislation, please contact my office at 266-3070 by February 5, 2007.

Analysis by the Legislative Reference Bureau

Current law requires that the governor deliver a budget message to the legislature and submit to the

legislature, for introduction by the Joint Committee on Finance, the executive budget bill or bills. This bill requires that the executive budget bill or bills may not authorize general purpose revenue expenditures in the succeeding fiscal biennium that exceed revenues and other moneys that the state is expected to receive in the succeeding fiscal biennium and that are deposited in the general fund.



07-08491.pdf (14
KB)